

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ELLIOTT J. SCHUCHARDT,

Plaintiff,

v.

BLOOMBERG, L.P., et al.,

Defendants.

Case No. 3:22-cv-01017

Judge Aleta A. Trauger  
Magistrate Judge Alistair E. Newbern

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**ORDER**

On February 8, 2023, Defendants Bloomberg Industry Group, Inc., and Roy Strom filed a motion to dismiss pro se Plaintiff Elliot J. Schuchardt's complaint under Federal Rule of Civil Procedure 12(b)(6). (Doc. No. 19.) The defendants also filed a request that the Court take judicial notice of certain records filed as exhibits to the motion to dismiss (Doc. Nos. 22–22-19). (Doc. No. 21.)

Schuchardt filed an amended complaint as a matter of course under Rule 15(a)(1). (Doc. No. 25.) The defendants filed a motion to dismiss Schuchardt's amended complaint under Rule 12(b)(6) (Doc. No. 26), accompanied by the same exhibits submitted with their first motion to dismiss (Doc. Nos. 28-1–28-19). Schuchardt then filed a motion to strike some of those exhibits. (Doc. No. 29.)

Schuchardt's amended complaint has rendered moot the defendants' first motion to dismiss and their related request for judicial notice. *See Glass v. The Kellogg Co.*, 252 F.R.D. 367, 368 (W.D. Mich. 2008) (collecting cases for the proposition that the filing of an amended complaint moots a motion to dismiss the original complaint); *Diehl v. Rarity Bay Cmty. Ass'n, Inc.*, No. 3:12-CV-499, 2013 WL 2635562, at \*8 (E.D. Tenn. June 12, 2013) (granting motion to amend

complaint and finding moot defendants' previously filed motion to dismiss and a related request for judicial notice).

Given the filing of Schuchardt's amended complaint, the defendants' motion to dismiss Schuchardt's original complaint (Doc. No. 19) and their request for judicial notice in support of their motion to dismiss (Doc. No. 21) are TERMINATED AS MOOT. The Court will consider the defendants' motion to dismiss Schuchardt's amended complaint (Doc. No. 26) in due course. The Court will consider the defendants' exhibits (Doc. Nos. 28-1-28-19) to the motion to dismiss the amended complaint under the appropriate standards and in the context of Schuchardt's motion to strike.

It is so ORDERED.

  
ALISTAIR E. NEWBERN  
United States Magistrate Judge